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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,595	11/21/2000	Dan Kikinis	P1541D1	5336

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CENTRAL COAST PATENT AGENCY  
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EXAMINER

PRIETO, BEATRIZ

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 12/12/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/718,595

Applicant(s)

KIKINIS, DAN

Examiner

B. PRIETO

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 05.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to amendment A filed 10/05/01, claims 16-37 remain pending.

2 Quotation of 35 U.S.C 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remillard U.S. Patent No. 5,404,393 in view of Florin U.S. Patent No. 5,594,509.

Regarding claim 16, Remillard teaches the invention substantially as claimed, teaching the following features, a set top box, comprising; a broadband receiver for receiving multimedia information including a displayable data stream constituting data including at least one command and a displayable indicia associated with the command; tuner/demultiplexer circuitry for separating a displayable data stream from the multimedia information, and for sending the displayable data stream including the displayable indicia to a display monitor, forming a display with the displayable indicia thereon (Remillard, Figs. 1-2, television (82) circuitry with receiving (136) means for multiplexing (e.g. audio/video) broadcasting channels or cable stations signals, wherein said are selected (tuned) by viewer through the remote control keypad and displayed on the television screen by the controller, column 2, lines 25-63, column 6, lines 38-39, displayable indicia, column 5, lines 5-32, facility/email information); user-operable (52) apparatus adapted for selecting the displayable indicia; wherein, in response to the user selecting the displayable indicia, (column 5, lines 10-21, Fig. 1 (52)); however Remillard does not explicitly teach where a command is associated with the selected indicia is particularly stored and executed at future point in time;

Florin a system/method related to receiving multimedia content, teachings means where in response to selecting displayable indicia, a command associated with the selected indicia is executed at a future point in time (col 16/line 66-col 17/line 27, Fig.

18, and 12-13); a broadband receiver (54) for receiving multimedia information including a displayable data stream constituting data (col 8/lines 20-46, broadband, e.g. television signal receiving (54) means for downloading col 8/line 65-col 9/line 25).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to incorporate Florin's teachings with means for associating a command with displayable indicia, command to be executed at a future point in time, by means of executing on a processor corresponding obtainable stored instructions on memory or equivalent thereof, as known in the art, said command, as taught by Florin, motivation would be to further enhance set-top box capabilities to include means for associating displayable indicia with commands that would execute at a future point in time associated with different audio-visual devices and how often with the command be executed at a future point in time, as taught by Florin.

Regarding claim 17, the combined teachings as discussed above further teach wherein the execution of the command comprises switching the display to a selected highlighted channel associated with the future programming (Florin, col 16/line 66-col 17/line 27, Fig. 18, and 12-13).

4. Claims 18-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remillard U.S. Patent No. 5,404,393 in view of Florin et. al. (Florin) U.S. Patent No. 5,594,509 in further view of Judson U.S. Patent No. 5,737,619.

Regarding claim 18, the combined teachings as discussed above, do not explicitly teach wherein a portion of the multimedia information received comprises Web pages in HTML;

Judson teaches a system/method of browsing the WWW of the Internet using HTML-compliant client, supporting a graphical user interface and a browser, system having an HTTP-complaint browser, column 2, lines 34-37, and lines 59-60).

It is obvious at the time the invention was made to one ordinary skilled in the art to integrate Judson's computer program product and Web browser method in to

Remillard's electronic device (set-top box) television circuitry (tuner/demultiplexer/broadband receiver) in order to obtain in the most cost effective manner access to information and use of electronic facilities as well as interactive broadcast television programming, by further enhancing these features with a client browser for receiving Web pages in the HTML format.

Regarding claim 19, the combined teachings as discussed above, further teach wherein the broadband receiver comprises a satellite data link adapted to download a satellite-broadcast data stream, and the multimedia information including a data stream constituting a command and a displayable indicia associated with the command is received via the satellite data link (Judson, column 2, lines 34-37, Remillard column 4, lines 60-68

Regarding claim 20 the combined teachings as discussed above, further teach wherein a portion of the multimedia information received by satellite data link comprises HTML (Judson column 1, lines 20-30).

Regarding claim 21 the combined teachings as discussed above, further teach wherein a first portion of the multimedia information comprises television programming, and a second portion comprises program schedule information associated with the television programming, the program schedule information including the commands and displayable indicia associated with the command. (Judson column 2, lines 1-5 and 59-67, column 6, lines 25-28)

Regarding claim 22, the combined teachings as discussed above, further teach a cache memory system wherein the program schedule information including the command and displayable indicia associated with the command are stored, and a driver adapted to coordinate the cache and the second portion of the multimedia information (Remillard: column 5, lines 33-38, Fig. 2 (35), Judson column 4, lines 32-40).

Regarding claim 23, the combined teachings as discussed above, further teach wherein the broadband receiver comprises a satellite data link adapted to download a satellite-broadcast data stream, and further comprising a land-based modem, and the multimedia information including a data stream constituting a command and a displayable indicia associated with the command is received by one of the satellite data link and the land modem. (Judson: column 4, lines 49-51, Remillard column 7, lines 8-25).

Regarding claim 24 the combined teachings as discussed above, further teach a user-operable WEB browser for browsing for HTML-based WEB pages (Judson column 2, lines 59-61).

Regarding claims 25-33, this claim comprising the method's steps for commanding the set-top box functions discussed on claim 16-24, same rationale is applicable.

Regarding claims 34, the combined teachings as discussed above on claims 16 and 25, further teach where selection means further cause a portion of the multimedia data stream to be stored to be displayed at a future point in time (Florin: col 16/line 66-col 17/line 27, Fig. 18, and 12-13).

5. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remillard-Florin in view of Judson U.S. Patent No. 5,737,619 in further view of Yang U.S. Patent No. 5,270,829.

Regarding claims 35 and 37, the combined teachings as discussed above, however do not explicitly teach wherein the time for future display is also controlled by the command associated with the displayable indicia;

Yang teach the method wherein the time for future display of received multimedia (audio/video) information including a displayable data stream is controlled via

commands that are executed at a future definable point in time (abstract, col 1/lines 64-col 35);

It would have been obvious to one ordinary skilled in the art at the time the invention was made to further incorporate into existing means for associating commands with selectable displayable indicia comprising commands that are executed at a future point in time as discussed, to further extend said commands functions associated with selectable displayable indicia to include commands executable in a future point in time that control the time for the future display of stored multimedia data stream to be displayed at a future point in time, as taught by Yang, motivation would be to further enhance existing system to activate devices associated with said means that cause portions of the multimedia data stream to be stored if in inactive state, as taught by Yang, and further complement existing means for announcing to the user that scheduled stored multimedia stream is above to be displayed, as taught be Florin.

Regarding claim 36, this claim is substantially the same and/or has been addressed on above discussed claims 16 and 25, same rationale is applicable.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Prieto, B.** whose telephone number is **(703) 305-0750**. The Examiner can normally be reached on Monday-Friday from 6:30 to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Mark H. Rinehart** can be reached on **(703) 305-4815**. The fax phone number for the organization where this application or proceeding is assigned is **(703) 308-6606**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3800/4700**.

Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**or faxed to:**

(703) 746-7238, (for Official After-final communications; please mark "EXPEDITED PROCEDURE", for other Official communications; (703) 746-7239)

**Or:**

(703) 465-7240 (for Non-Official, Draft communications, status query, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

  
B. Prieto  
Patent Examiner  
December 6, 2001

MEHMET B. GECKIL  
PRIMARY EXAMINER

